

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

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:
KATHLEEN SUMMA AND JANET MACINTYRE, :
:
Plaintiffs, : **Civil Action No. 2:18-1246 DSC**
:
v. : **Electronically Filed**
PPG ARCHITECTURAL :
COATINGS N.A., :

Defendant. :
:
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STIPULATION SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding Alternative Dispute Resolution (ADR) and have reached the following stipulation pursuant to L.R. 16.2 and the Court's ADR Policies and Procedures.

I. PROCESS

Select one of the following.

Court Processes:

Mediation
 Early Neutral Evaluation (ENE)
 Court sponsored Binding¹ Arbitration
 Court sponsored Non-binding Arbitration
 Other (please identify process and provider) _____

If you are utilizing a private ADR process, such as the American Arbitration Association, be advised that the case is still governed by the Court's ADR Policies and Procedures. It is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Policies and Procedures.

¹ For binding arbitration, please complete form "Stipulation to Binding Arbitration" located on the Court's website at www.pawd.uscourts.gov.

II. COSTS

The parties have agreed to share the ADR costs as follows (do not complete percentages for court sponsored arbitration. For that process costs are paid by the court in accordance with 28 USC §658.):

50 % by Plaintiffs
50 % by Defendant
 % by Third Party Defendant(s)

If a dispute arises as to compensation and costs for the mediator/neutral evaluator/private arbitrator, the Court will set reasonable compensation and costs.

III. NEUTRAL

The parties hereby designate by agreement the following individual to serve as a Neutral in the above-styled action:

Name of Neutral: Kenneth J. Benson, Esq.
Address of Neutral: Justus ADR Services, PO Box 101824, Pittsburgh, PA 15237
Telephone & FAX Numbers: (412) 281-9112 / (866) 571-6273 Fax
Email address of Neutral: JustusADR@gmail.com
Date of Mediation: April 23, 2019

The parties represent that they have contacted the selected prospective neutral and have determined that the neutral is available to conduct the ADR Session within the time prescribed by the Court's Policies and Procedures and that the neutral does not have a conflict.

IV. PARTICIPANTS

Name and title of the individuals(s) who will be attending the mediation or early neutral evaluation session, **in addition to counsel**, in accordance with Section 2.7 (Attendance at Session) of the Court's ADR Policies and Procedures:

Joseph Chivers/Bruce Fox
Attorney for Plaintiff(s)

Kathleen Summa/Janet Macintyre
Plaintiff(s)

Corporate Representative
(Name and Title)

Christopher Michalski/Brian Hentosz
Attorney for Defendant(s)

PPG Architectural Coatings, N.A.
Defendant(s)

William Adams, Esq.
Corporate Representative
(Name and Title)

Attorney for Third Party Defendant(s)

Third Party Defendant(s)

Corporate Representative
(Name and Title)

If there is insufficient space to list all parties who will be attending the session, please add additional sheets as necessary.

Each party certifies that the representative(s) attending the ADR session on its behalf has full and complete settlement authority, as specified in sub-section (A)(1-3) of the above section of the Court's ADR Policies and Procedures.

V. ACKNOWLEDGMENT

We, the undersigned parties to this action, declare that this stipulation is both consensual and mutual.

Dated: 2/8/2019 /s/Joseph H. Chivers
 Attorney for Plaintiffs

Dated: 2/8/2019 /s/Christopher Michalski
 Attorney for Defendant